

ADRIAN CAIN, and all those similarly situated,

Plaintiffs,

v.

CONSUMERS SOLUTIONS GROUP,
LLC, et al

Defendants.

**PLAINTIFF’S MOTION TO DISMISS CLASS CLAIMS AS TO
CONSUMER SOLUTIONS GROUP, LLC WITHOUT PREJUDICE**

COMES NOW Plaintiff Adrian Cain, by and through counsel, in the above styled cause, and respectfully responds to the Show Cause Order entered by this Honorable Court on July 24, 2017. Plaintiff states and shows unto the Court as follows:

1. Plaintiff filed her Complaint in this matter on December 19, 2016. [*See* Doc. 1, Complaint].
2. Defendant Consumer Solutions Group, LLC (“CSG”) was served with Plaintiff’s Complaint on December 21, 2016. [*See* Doc. 6, Return of Service, Consumer

Solutions Group, LLC]

3. Defendant CSG has failed and refused to respond to Plaintiff's Complaint as well as ignored any correspondence sent by the Northern District of Alabama with regard to this matter. [Notice by Clerk, March 15, 2017 - no doc number attached]

4. The Clerk of Court entered a default as to CSG on January 25, 2017. [See Doc. 12]

5. In response to the Court's Order of July 24, 2017, Plaintiff moves this Honorable Court to dismiss only the class claims against Defendant CSG, without prejudice, with Plaintiff's reservation of her right to bring the class claims in the future should Defendant CSG later file a Rule 59 or Rule 60 motion under the Federal Rules of Civil Procedure.

6. Plaintiff requests the Court to enter a dismissal of the class claims against Defendant CSG reserving Plaintiff's ability to amend the complaint to add back the class claims should Defendant CSG attempt to set aside any future default entered against it by the Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Honorable Court to dismiss Plaintiff's class claims only against Defendant Consumer Solutions Group, LLC, without prejudice, subject to later amendment adding the claims

back into this matter should Defendant later attempt to set aside any default entered by the Court.

Respectfully submitted this 4th day of August, 2017.

s/Wesley L. Phillips
Wesley L. Phillips (PHI053)
Attorney for Plaintiff

OF COUNSEL:

PHILLIPS LAW GROUP, LLC
Post Office Box 362001
Birmingham, Alabama 35236
Telephone: (205) 383-3585
Facsimile: (800) 536-0385
Email: wlp@wphillipslaw.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed on this 4th day of August, 2017, with the Clerk of the Court using the CM/ECF system.